

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO**

RUSSIAN HILL CAPITAL, LP,

Plaintiff,

vs.

ENERGY CORPORATION OF AMERICA  
and DOES 1-10,

Defendants.

Case No. 3:15-cv-02554-HSG

**STIPULATION OF DISMISSAL OF  
DEFENDANT ENERGY  
CORPORATION OF AMERICA  
AND ~~[PROPOSED]~~ ORDER**

**STIPULATION OF DISMISSAL OF ENERGY CORPORATION OF AMERICA WITH  
PREJUDICE**

WHEREAS, Plaintiff Russian Hill Capital, LP (“Plaintiff”) filed its First Amended Complaint for Fraud; Misrepresentation of Facts in Violation of California Corporations Code § 25501; and Violation of Section 14(e) of the Exchange Act on July 7, 2015.

WHEREAS, Plaintiff and Defendant Energy Corporation of America (“Defendant”) settled this matter on or about August 2016.

THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff and Defendant through their designated counsel that the above-captioned action should be dismissed with prejudice as to Defendant Energy Corporation of America pursuant to FRCP 41(a)(2). The parties further stipulate that, except as set forth in the August 2016 Settlement Agreement between them, the parties shall bear their own attorney’s fees, expenses, and costs.

IT IS SO STIPULATED.

Dated: 9/16/2016

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/s/ Steven S. Kaufhold

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**ORDER**

The Court, having considered the stipulation of the parties and good cause appearing therefor, orders as follows:

1. The action is dismissed with prejudice as against Defendant Energy Corporation of America pursuant to FRCP 41(a)(2).
2. Each party shall bear their own costs and attorneys' fees.
3. The Court shall retain jurisdiction over this matter, only to the extent necessary, to enforce the terms of the August 2016 Settlement Agreement.

**IT IS SO ORDERED.**

Dated: 9/19/2016

  
Honorable Haywood S. Gilliam, Jr.  
United States District Judge  
Northern District of California

**ATTESTATION OF ELECTRONIC FILING**

I, Steve S. Kaufhold, am the ECF User whose ID and password are being used to file this STIPULATION OF DISMISSAL OF DEFENDANT ENERGY CORPORATION OF AMERICA AND [PROPOSED] ORDER. I hereby attest that counsel whose e-signatures appear above have concurred with this filing.

Dated: 9/16/2016

KAUFHOLD GASKIN LLP

/s/ Steven S. Kaufhold

Steven S. Kaufhold

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